

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GEORGE FOWLER and CRISTINA FOWLER	§ § § § § § § §	PLAINTIFFS
V.		Civil No.1:06CV489-HSO-RHW
STATE FARM FIRE & CASUALTY COMPANY and STEVE SAUCIER		DEFENDANTS

**ORDER AND REASONS GRANTING IN PART AND DENYING
DEFENDANTS' MOTION FOR RECONSIDERATION AND MODIFICATION
OF THE COURT'S ORDER AS TO BIFURCATION OF PLAINTIFFS' CLAIM
FOR EXTRA-CONTRACTUAL DAMAGES**

This cause came on for hearing before the Court on the Motion for Reconsideration [378-1] filed by Defendants State Farm Fire & Casualty Company and Steve Saucier ["Defendants"], in the above-captioned cause on August 8, 2008. The Motion asked the Court to reconsider its Order [372-1] of May 23, 2008, which determined that Plaintiffs' claims for extra-contractual damages would be decided in the first of two phases of trial. Plaintiffs filed a Response [384-1] on August 15, 2008.

After conducting a hearing on August 18, 2008, the Court carefully considered the arguments of counsel, the pleadings on file, and the relevant legal authorities. For the reasons more fully stated on the record at the conclusion of the hearing, the Court finds that Defendants' Motion for Reconsideration must be granted in part and denied in part. This case will be tried in three phases. The first phase will include Plaintiffs' breach of contract/coverage and negligence claims.

If there is a Plaintiffs' verdict in the first phase on the issue of coverage under Plaintiffs' homeowners' policy, any second phase will include the determination of whether there was an arguable reason to deny Plaintiffs' homeowners' claim and whether Plaintiffs are entitled to recover any extra-contractual damages. If Plaintiffs prevail in the second phase, any third phase will address whether Plaintiffs are entitled to recover punitive damages. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated herein and stated on the record at the hearing on August 18, 2008, Defendants' Motion for Reconsideration [378-1] filed August 8, 2008, should be and hereby is **GRANTED IN PART AND DENIED IN PART**.

SO ORDERED AND ADJUDGED, this the 18th day of August, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE